

Application No.: 09/871,309
Reply to Office Communication of: January 16, 2004

MAT-8140US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/871,309
Applicant: H. Yamada et al.
Filed: May 30, 2001
Title: RESISTOR AND METHOD OF
MANUFACTURING THE SAME
TC/A.U.: 2832
Examiner: Karl D. Easthom
Confirmation No.: 1614
Docket No.: MAT-8140US

PETITION UNDER 37 C.F.R. 1.181 FOR RESCISSION OF ABANDONMENT

Attn: Office of Petitions
Mail Stop Petition
Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is being filed responsive to a Notice of Abandonment mailed in the above-identified Application on January 16, 2004 (copy enclosed).

The Notice alleges that a proper reply to the Final Rejection has not been received by the United States Patent and Trademark Office. Enclosed is a copy of a Request for Continued Examination filed on June 11, 2003. A copy of the return postcard, showing the stamp of OIPE is also enclosed.

From:
Larry Asher

Attention:
Wynette

Assistant Commissioner for Patents:
Please acknowledge receipt of the document(s) described below by imprinting the Patent and Trademark Office "date-stamp" hereon and returning this card to the addressee indicated on the reverse side.

FILE NO. MAINTS- 8146 US FEE DUE? NO or YES: \$ 3

NAME: HIROYUKI YAMADA, ET AL

☐ IDS and PTO Form 1449 (____ pp.) (Supplemental: YES or NO)

☐ Copy of ____ reference(s)

☐ Status Request

☐ Claim To Right of Priority

☐ Response to Restriction Requirement

☐ Response to Missing Parts

☐ Form 1390

☐ Declaration/POA (____ pp.)

☐ Assignment & Form 1595 (____ pp.)

☐ Response to OA (____ bp.)

☐ Petition to Make Special / For Revival

☐ Submission of Formal Drawings

☐ Certificate of Correction

☐ Revised Ex.

☐ REVISION

☐ Copy of Search Report

☐ Issued Claims (____ pp.) & Diskette

☐ Preliminary Amendment

☐ Amendment (____ pp.)

☐ Copy of Formalities Letter (371)

☐ RCE Transmittal

☐ Certificate of Express Mailing

☐ Priority Document(s) (CERTIFIED)

☐ Petition for Ext. of Time (____ mo.)

☐ Fee Transmittal *fdem*

☐ Issue Fee and Publication Fee

☐ Sheets of Drawings (Formal)

☐ Check(s)

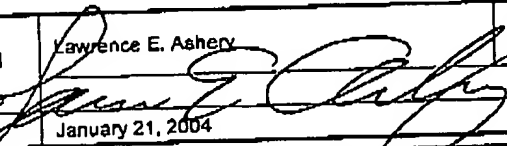
USPN: 09/071,209

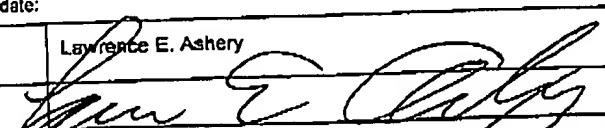
Date: JANUARY 21, 2002 2004

PTO/SB/21 (08-03) (AW 10/2003)
Approved for use through 7/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/871,309
	Filing Date	May 30, 2001
	First Named Inventor	Hiroyuki Yamada, et al
	Art Unit	2832
	Examiner Name	Karl D. Easthorn
	Attorney Docket No.	MAT-8140US
Total Number of Pages in This Submission 5		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Return Postcard
Remarks:		
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Firm or Individual	Lawrence E. Ashery	Registration No. (Attorney/Agent) 34,515
Signature		
Date	January 21, 2004	

CERTIFICATE OF TRANSMISSION / MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: January 21, 2004		
Name (Print/Type)	Lawrence E. Ashery	Date
Signature		January 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

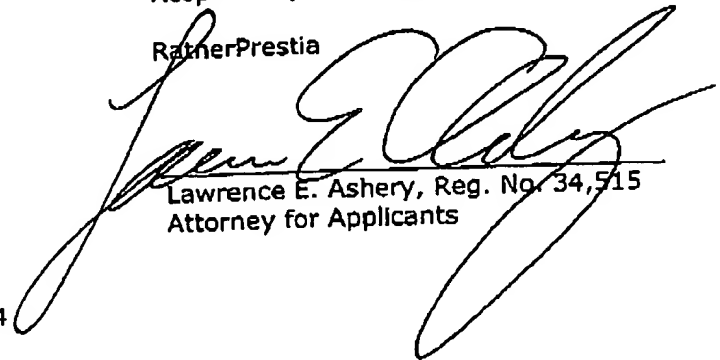
Application No.: 09/871,309
Reply to Office Communication of: January 16, 2004

MAT-8140US

Rescission of the Notice of Abandonment is respectfully requested.

Respectfully submitted,

RatnerPrestia



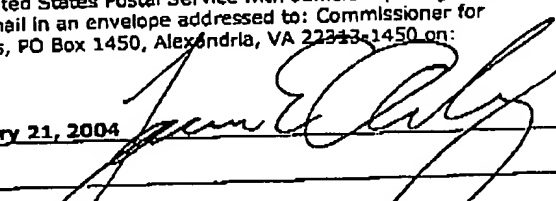
Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA:ds

Dated: January 21, 2004

Enclosures: Copy of Notice of Abandonment
Copy of Request For Continued Examination
Copy of Return Postcard

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.	I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on: January 21, 2004 
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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

COPY

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871.309	05/30/2001	Hiroyuki Yamada	MAT-8140US	1614

7590 01/16/2004

RATNER AND PRESTIA
Suite 301
One Westlakes, Berwyn
P.O. Box 980
Valley Forge, PA 19482-0980

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JAN 20 2004

RatnerPrestia

EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 01/16/2004

Petition to revive (imo)

2/16/04

/ood

Please find below and/or attached an Office communication concerning this application or proceeding


Copy Notice of Abandonment	Application No.		Applicant(s)	
	09/871,309		YAMADA ET AL.	
	Examiner		Art Unit	
	Karl D Easthom		2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 April 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 5/12/03, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 Karl D Easthom
 Primary Examiner
 Art Unit: 2832

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
 PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20030107

COPY

Date: June 11, 2003

Assistant Commissioner for Patents:

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FILE NO. MAI-8140US FEE DUES-NO AMT. ENC'D \$752 ^{CV}NAME H. Yarnack et alDOCUMENTS Fee Transmitted, Check 619

RECEIVED	JUN 13 2003
JUN 20 2003	

U.S. PATENT & TRADEMARK OFFICE 2012

09/571,309